

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEMPER INDEPENDENCE INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	
	:	20-CV-5945 (JMF)
-v-	:	
	:	<u>ORDER</u>
ANTHONY PORTO JR., et al.,	:	
	:	
Defendants.	:	
-----X	:	

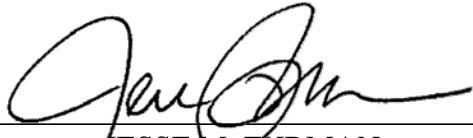
JESSE M. FURMAN, United States District Judge:

Plaintiff Kemper Independence Insurance Company (“Kemper”) brings this action against Defendants Anthony Porto Jr. and William Haughey (as a nominal defendant), invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship. *See* ECF No. 1 (“Compl.”), ¶ 7; 28 U.S.C. § 1332. The Court has an independent obligation to examine whether it has subject-matter jurisdiction. *See, e.g., Goldman, Sachs & Co. v. Golden Empire Sch. Fin. Auth.*, 764 F.3d 210, 213 (2d Cir. 2014). The Complaint acknowledges that the parties are not completely diverse, *see* Compl. ¶¶ 3-6, but suggests that does not matter because Mr. Haughey, who defeats complete diversity, is only a nominal defendant, *see id.* ¶ 6.

Kemper is hereby ORDERED to file, no later than **August 10, 2020**, a letter-brief, citing appropriate authority, showing that Mr. Haughey is properly treated as a nominal defendant and that his presence does not destroy diversity of citizenship. If Kemper fails to file a letter, or fails to persuade the Court that Mr. Haughey’s citizenship can be ignored for diversity purposes, the case will be dismissed without prejudice without further notice. Furthermore, Defendants may respond to Kemper’s letter within **one week of filing an answer**.

SO ORDERED.

Dated: August 3, 2020
New York, New York



JESSE M. FURMAN
United States District Judge